THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO. 6771 OF 2006

Dated:13.04.2006

BETWEEN

Habeeb Mohammed ….PETITIONER

AND

The Government of Andhra Pradesh, represented by its Secretary, Revenue (Registration) Department, Secretariat, Hyderabad. and others.

….RESPONDENTS

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO. 6771 OF 2006

ORDER:

The petitioner filed the instant writ petition seeking a writ of Mandamus to declare the G.O.Ms.No.1088, dated 06.06.2005 of Revenue (Registration-I) Department imposing ban on registration concerning the land admeasuring Acs.6-28 guntas covered by survey No.28/1 of Neknampur village, Rajendranagar Mandal, Ranga Reddy District, as arbitrary and unconstitutional. The petitioner also seeks a consequential direction to quash the same to the extent of land admeasuring Acs.6.28 guntas in survey No.28/1 of Neknampur Village, Rajendranagar Mandal, Ranga Reddy District.

The Supreme Court of India in **State of Rajasthan v Basant Nahata**, invalidated Section 22-A of the Rajasthan Registration Act, 1976 which is *in pari materia* with Section 22-A of the Registration Act, 1908 as amended by the Andhra Pradesh Act No.4 of 1999 (A.P.Amendment Act, for brevity). Following the same, a Division Bench of this Court comprising their Lordships the Hon'ble the Chief Justice, G.S.Singhvi, and the Hon'ble Sri Justice R.Subhash Reddy, in an unreported Judgment in W.P.No.14099 of 2003 and batch, dated 07.12.2005, declared Section 22-A of A.P.Amendment Act as ultra vires.

Following the same, this writ petition is allowed directing the sixth respondent to accept and register the sale deeds as and when they are presented by the petitioner. If there are any valid reasons, it shall be open to the sixth respondent to reject the registration after giving sufficient reasons, in which case, it is open to the petitioner to file an appeal under Section 72 of the Registration Act, 1908. No costs.

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(V.V.S.RAO,J)

13.04.2006

GJ